

Ordinance #2008-O-08

“ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR OR DEMOLITION OF ANY BUILDING OR STRUCTURE DANGEROUS TO THE HEALTH, MORALS, SAFETY OR GENERAL WELFARE OF THE PEOPLE OF THE TOWN OF CAMDEN”

WHEREAS, the members of the Town Council believe it to be in the best interests of the Town that an orderly procedure be provided for the vacation, removal, repair or demolition of any building or structure dangerous to the health, moral, safety or general welfare of the people of the Town of Camden.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Camden:

Section 1 Dangerous Building Defined.

All building or structures which have any or all of the following defects shall be deemed “dangerous building”.

- a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- b) Those which, exclusive of the foundation, show thirty-three (33%) percent or more of damage or deterioration of the supporting member or members, or fifty (50%) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- c) Those which have improperly distributed loads upon the floor or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- d) Those which have been damaged by fire, wind or other cause so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town of Camden.
- e) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

- g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- i) Those which because of their condition are unsafe, insanitary or dangerous to the health, morals, safety or general welfare of the people of this Town.
- j) Those buildings existing in violation of any provision of the Building Code of the town, or any provision of the fire prevention code, or other ordinances of the Town.

Section 2 Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation or demolition:

- a) If the “dangerous building” can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.
- b) If the “dangerous building” is in such condition as to make it dangerous to the health, morals safety or general welfare of its occupants, it shall be ordered to be vacated.
- c) In any case where a “dangerous building” is fifty (50%) percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be demolished. In all cases where a “dangerous building” is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the Town or statute of the State of Delaware, it shall be demolished.

Section 3 Dangerous Building - Nuisances.

All “dangerous buildings” within the terms of Section 1 of this ordinance are hereby declared to be public nuisances, all shall be repaired, vacated or demolished as hereinbefore and hereafter provided.

Section 4 Duties of Building Inspector.

The Building Inspector shall:

- a) Inspect or cause to be inspected semi-annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a “dangerous building” within the terms of Section 1 of this ordinance.
- b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance.
- c) Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this Town as probably existing in violation of the terms of this ordinance.

- d) Inspect such other buildings as shall from time to time come to his attention as possibly “dangerous building” within the terms of Section 1.
- e) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County, of any building found by him to be a “dangerous building” within the standards set forth in Section 1 of this ordinance that:
 - 1) The owner must vacate or repair or demolish said building in accordance with the terms of the notice and this ordinance;
 - 2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;
 - 3) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County may at his own risk repair, vacate or demolish said building or have such work or act done; Provided, that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- f) Set forth in the notice provided for in subsection (e) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a “dangerous building” and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding 60 days, as is reasonable.
- g) Report to the Council any non-compliance with the “notices” provided for in Subsection (e) and (f) hereof.
- h) Appear at all hearings conducted by the Council and testify as to the condition of “dangerous buildings”.
- i) Place a notice on all “dangerous buildings” reading as follows:

“this building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County. It is unlawful to remove this notice until such notice is complied with.”

Section 5 Hearing before Council

The Council of the Town of Camden shall:

- a) Upon receipt of a report of the Building Inspector as provided for in Section §, Subsection (g) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the records of the Recorder of Deeds of Kent County to appear before it on the date specified in the notice to show cause why the building or structure reported to be a “dangerous building” should not be repaired, vacated or

- demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein Section 4, Subsection (f).
- b) Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the records of the Recorder of Deeds of Kent County shall offer relative to the "dangerous building".
 - c) Make written findings of fact from the testimony offered pursuant to Subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 1 hereof.
 - d) Issue an order based upon finding of fact made pursuant to Subsection © commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this ordinance, setting the time within which said building shall be repaired, vacated or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the Town as provided in Subsection (e) hereof.
 - e) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection (d) hereof, within ten (10) days, the Council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 2 of this ordinance, and shall with the assistance of the Town Solicitor cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; Provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this Town, the Council shall notify the Town Solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.
 - f) Report to the Town Solicitor the names of all persons not complying with the order provided for in Section 5, Subsection (d) hereof.

Section 6 Violations-Penalty for Disregarding Notices or Orders.

The owner of any "dangerous building" who shall fail to comply with any notices or order to repair, vacate or demolish said building given by the council shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) for each offense; each day such failure to comply continue shall constitute a separate offense punishable as herein provided.

Any person removing the notice provided for in Section 4, Subsection (i) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) for each offense.

Section 7 Duties of the Town Solicitor

The Town Solicitor shall:

- a) Prosecute all persons failing to comply with the terms of the order provided for in Section 5, Subsection (d).
- b) Appear at all hearings before the Council in regard to “dangerous buildings”.
- c) Bring suit to collect all municipal liens, assessments or cost incurred in repairing or causing to be vacated or demolished “dangerous buildings”.
- d) Take such other legal action as is necessary to carry out the terms and provisions of this ordinance.

Section 8 Emergency Cases

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a “dangerous building” as defined herein is immediately repaired, vacated or demolished, the Building Inspector shall report such facts to the Council, which may cause the immediate repair, vacation or demolition of such “dangerous building”. The costs of such emergency repair, vacation or demolition of such “dangerous building” shall be collected in the same manner as provided in Section 5, Subsection (c) hereof.

Section 9 Where Owner Absent from the Town

In cases except emergency cases where the owner, occupant, lessee or mortgagee is absent from the Town, all notices or orders provided for herein shall be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the “dangerous building” to which it relates. Such mailing and posting shall be deemed adequate service.

Section 10 Administrative Liability

No officer, agent or employee of the Town of Camden shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent or employee of the Town of Camden as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the Town Solicitor until the final determination of the proceeding therein.

Section 11 Duties of Fire Marshal, Members of the Fire Department, Police Force and Other Town Employees

The fire Marshal, all members of the Fire Department, all officers of the Police Force and all other employees of the Town of Camden shall report in writing to the Building Inspector all

buildings or structures within the Town of Camden which shall come to their knowledge or attention as being “dangerous buildings” within the terms of this ordinance.

Section 12 Severability

It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

ENACTED AND ORDAINED THIS 2nd DAY OF JUNE 2008.

APPROVED AS TO FORM:

Town Solicitor

Mayor Robert A. Mooney

Vice-Mayor James O. Plumley, III

ATTEST:

Councilman Mark Babbitt

Town Manager

Councilman Kenneth Fuchs

Councilman Richard Snyder

1st Reading: _____
2nd Reading: _____
Public Hearing: _____
Adopted: _____